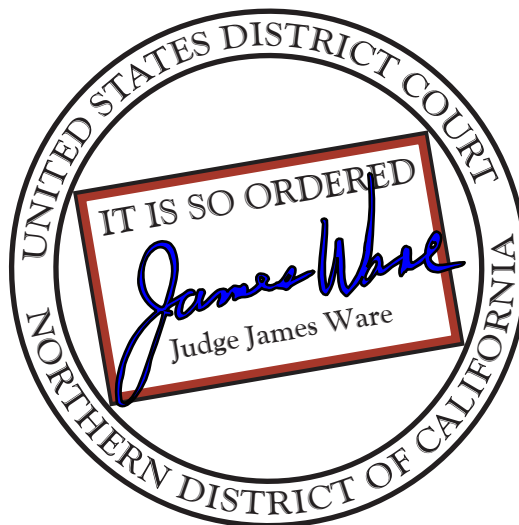


Fred W. Schwinn (SBN 225575)
CONSUMER LAW CENTER, INC.
12 South First Street, Suite 1014
San Jose, California 95113-2418
Telephone Number: (408) 294-6100
Facsimile Number: (408) 294-6190
Email Address: fred.schwinn@sjconsumerlaw.com

Balám O. Letona (SBN 229642)
LAW OFFICE OF BALÁM O. LETONA, INC.
1347 Pacific Avenue, Suite 203
Santa Cruz, California 95060-3940
Telephone Number: (831) 421-0200
Facsimile Number: (831) 621-9659
Email Address: letonalaw@gmail.com

Sara J. Lipowitz (SBN 209163)
LAW OFFICE OF SARA J. LIPOWITZ
303 Potrero Street, Suite 27
Santa Cruz, California 95060-2782
Telephone Number: (831) 427-0546
Facsimile Number: (831) 427-0530
Email Address: saral@lipowitzsolutions.com

Attorneys for Plaintiff
CARLOS H. PEREZ



**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CARLOS H. PEREZ,

Plaintiff,

v.

GMAC MORTGAGE USA CORPORATION,
A/K/A GMAC MORTGAGE, LLC, a Delaware
corporation; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., a
Delaware corporation; EXECUTIVE
TRUSTEE SERVICES, LLC, a Delaware
limited liability company; GREENPOINT
MORTGAGE FUNDING, INC., a New York
corporation; ANDRUS & ASSOCIATES,
INC., a California corporation; PAUL RAY
ANDRUS, individually and in his official
capacity; HOMECOMINGS FINANCIAL,
LLC, a Delaware limited liability company;
COUNTRYWIDE HOME LOANS, INC., a

Case No. C08-01972-JW-HRL

**NOTICE OF SETTLEMENT AND
REQUEST TO CONTINUE
PRELIMINARY PRETRIAL
CONFERENCE**

**ORDER TO SHOW CAUSE RE:
SETTLEMENT**

1 New York corporation; SOUTH PACIFIC
2 FINANCIAL CORPORATION, a California
3 corporation; RESIDENTIAL MORTGAGE
4 CAPITAL, D/B/A FIRST SECURITY LOAN;
5 a California corporation; JAMES JOHN
6 CHAPMAN, individually and in his official
7 capacity; LUIS G. BARRIOS, individually and
8 in his official capacity; ELIZABETH P.
9 CAMPOS, individually and in her official
10 capacity; and DOES 1 through 20, inclusive,

11
12 Defendants.

13 COMES NOW the Plaintiff, CARLOS H. PEREZ, by and through his counsel, Fred W.
14 Schwinn of the Consumer Law Center, Inc., and notifies the Court that this case has been conditionally
15 settled. The parties have signed a settlement agreement calling for certain payments to be made
16 through July 31, 2009. Once all payments under the settlement agreement have been paid, the parties
17 will file a Stipulation of Dismissal with Prejudice in this case.

18 In light of the forgoing, Plaintiff requests that the Preliminary Pretrial Conference scheduled for
19 July 13, 2009, be continued for 60 days to allow the parties time to consummate the settlement and file
20 a stipulation dismissing this case.
21
22
23
24
25
26
27
28

1 Dated: June 15, 2009

/s/ Fred W. Schwinn
Fred W. Schwinn (SBN 225575)
CONSUMER LAW CENTER, INC.
12 South First Street, Suite 1014
San Jose, California 95113-2418
Telephone Number: (408) 294-6100
Facsimile Number: (408) 294-6190
Email Address: fred.schwinn@sjconsumerlaw.com

Sara J. Lipowitz (SBN 209163)
LAW OFFICE OF SARA J. LIPOWITZ
303 Potrero Street, Suite 27
Santa Cruz, California 95060-2782
Telephone Number: (831) 427-0546
Facsimile Number: (831) 427-0530
Email Address: saral@lipowitzsolutions.com

Balám O. Letona (SBN 229642)
LAW OFFICE OF BALÁM O. LETONA, INC.
1347 Pacific Avenue, Suite 203
Santa Cruz, California 95060-3940
Telephone Number: (831) 421-0200
Facsimile Number: (831) 621-9659
Email Address: letonalaw@gmail.com


14 *** ORDER ***

15
16 On June 15, 2009, the Plaintiff notified the Court that the above-entitled matter has reached
17 a settlement. (See Docket Item No. 118.) In light of the settlement, the Court vacates all trial and
18 pretrial dates. On or before **August 17, 2009**, the parties shall file a stipulated dismissal pursuant to
19 Federal Rule of Civil Procedure 41(a).

20 If a dismissal is not filed by the specified date, all parties shall appear in Courtroom No. 8,
21 4th Floor, United States District Court, 280 South First Street, San Jose, Ca on **August 31, 2009 at 9**
22 **a.m.** and to show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41
23 (b). On or before **August 17, 2009**, the parties shall file a joint statement in response to the Order to
24 Show Cause. The joint statement shall set forth the status of the activities of the parties for finalizing
25 the settlement and how much additional time is requested to finalize and file the dismissal. If a
26 voluntary dismissal is filed as ordered, the Order to Show Cause hearing will be automatically
27 vacated.

28 Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss
this action.

25 Dated: July 1, 2009


JAMES WARE
United States District Judge